

3721 #9

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PTO/SB/21 (08-00)

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|--|------------------------|------------------|
| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | Application Number | 09/701,478 |
| | Filing Date | 11-29-2000 |
| | First Named Inventor | Pack, Jerry Dale |
| | Group Art Unit | 3721 |
| | Examiner Name | Kim, Eugene Lee |
| Total Number of Pages in This Submission | Attorney Docket Number | 17427PCTUS |

| ENCLOSURES (check all that apply) | | |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Assignment Papers (for an Application) | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment / Reply | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | Request for Reconsideration of Holding of Abandonment |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application | Remarks | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

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| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|----------------------|
| Firm or Individual name | CRUTSINGER & BOOTH |
| Signature | Gerald G. Crutsinger |
| Date | December 10, 2002 |

| CERTIFICATE OF MAILING | | |
|---|----------------------|---------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 12-10-02 | | |
| Typed or printed name | Gerald G. Crutsinger | |
| Signature | Gerald G. Crutsinger | Date 12-10-02 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of

Luther Stoddard

Serial No. 09/701,478

Filed: February 01, 2001

For: **TAMPER RESISTANT CLOSURE**

Attorney Docket: BURFC17427

ART UNIT: 3721

Examiner: KIM, EUGENE LEE

REQUEST FOR RECONSIDERATION OF HOLDING OF ABANDONMENT

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Hon. Commissioner of Patents

Washington, D. C. 20231

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Sir:

Notice of Abandonment mailed December 4, 2002 in the above-indicated application indicated that the application was abandoned because Applicant failed to timely file a proper response to the Office Action mailed on May 3, 2002. The notice indicated that no reply has been received.

"Amendment A" in response to the Office Action mailed May 3, 2002 was mailed to the U.S. Patent and Trademark Office in an envelope addressed to Assistant Commissioner of Patents, Washington, D.C. 20231, with a Certificate of Mailing on Monday, November 4, 2002. Applicant has not received the receipt card that was enclosed with Amendment A. However, Applicant's check in the amount of \$460.00 for payment of the three month extension fee for a small entity cleared the bank December 6, 2002 and Applicant's check in the amount of \$42.00 payable to the Assistant Commissioner for Patents cleared the bank December 6, 2002.

Transmitted herewith are photocopies of Applicant's check no. 26568 in the amount of \$460.00 for three month extension of time fee; check no. 26571 in the amount of \$42.00 for

additional claim filing fee; transmittal form with Certificate of Mailing mailed November 4, 2002, fee transmittal form with mailing certificate mailed November 4, 2002 and Amendment A with Certificate of Mailing on page 13 thereof mailed November 4, 2002.

The undersigned attests to the previous timely mailing of the enclosed Amendment A and requests that the holding that this application has been abandoned be reconsidered and withdrawn. 37 CFR 1.8; MPEP § 512 and MPEP § 711.03.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed for Commissioner of Patents and Trademarks, Washington, D. C. 20231

on

Dec 10, 2002
Date of Deposit

Gerald G. Crutsinger

Name of Applicant, Assignee or Registered Representative

Gerald G. Crutsinger
Signature

Dec 10, 2002
Date of Signature

Respectfully submitted,

Gerald G. Crutsinger

GERALD G. CRUTSINGER, Reg. 25,110

CRUTSINGER & BOOTH

Thanksgiving Tower

1601 Elm Street, Suite 1950

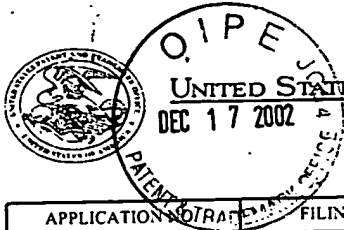
Dallas, Texas 75201-4744

Phone: (214) 220-0444

FAX: (214) 220-0445

Attorneys for Applicant

dc/c:\amend\



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/701,478 | 02/01/2001 | Luther Stoddard | 17427-US | 1172 |

7590 12/04/2002
Gerald G Crutsinger
Crutsinger & Booth
Suite 1000
1601 Elm Street
Dallas, TX 75201-4744

Received

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Crutsinger & Booth

EXAMINER

KIM, EUGENE LEE

ART UNIT PAPER NUMBER

3721

DATE MAILED: 12/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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Notice of Abandonment

Application No.

09/701,478

Examiner

Eugene Kim

Applicant(s)

STODDARD ET AL.

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 5/3/2002.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

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EUGENE KIM
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.